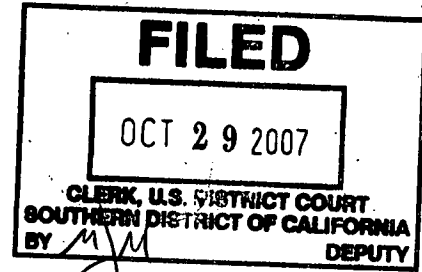


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6 Attorneys for Defendant and Counterclaimant  
MERCK KGaA

8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

11 INTEGRA LIFESCIENCES I, LTD., a Delaware  
corporation, and THE BURNHAM INSTITUTE,  
12 a California nonprofit corporation,

) Case No. 96CV-1307-B (AJB)

) JUDGMENT FOLLOWING MANDATE

13 Plaintiffs,

14 vs.

15 MERCK KGaA, a German corporation,

16 Defendant.

17 AND RELATED COUNTERCLAIMS.  
18

19 In light of the decision by the United States Court of Appeal for the Federal Circuit in *Integra*  
20 *Lifesciences I, Ltd., et al. v. Merck KGaA*, 2007 U.S. App. LEXIS 17930, (Fed. Cir. 2007) (the  
21 "Federal Circuit Opinion"), judgment is entered as follows:

22 1. Judgment is entered in favor of Defendants Merck KGaA ("Merck"), The Scripps  
23 Research Institute ("Scripps"), and Dr. David Cheresh ("Cheresh") (collectively, "Defendants") and  
24 against Plaintiffs Integra Lifesciences I, Ltd. and The Burnham Institute (collectively, "Plaintiffs") on  
25 Claim 2 of U.S. Patent No. 4,988,621 ("the '621 Patent") and Claim 14 of U.S. Patent No. 5,695,997  
26 ("the '997 Patent") on the ground that said claims are invalid pursuant to 35 U.S.C. §102(b), and on all  
27 of the remaining asserted claims of the '997 Patent and of U.S. Patent Nos. 4,792,525 ("the '525  
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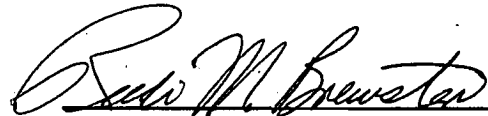
1 Patent”), 4,879,237 (“the ‘237 Patent”), and 4,789,734 (“the ‘734 Patent”) on the grounds that  
2 Defendants do not infringe any of said remaining asserted claims. Plaintiffs, and each of them, are  
3 entitled to no relief against any of the Defendants.

4 2. Merck is entitled to recover from Plaintiffs, jointly and severally, costs as stipulated by  
5 the parties, in the amount of Two Hundred Thousand Dollars (\$200,000.00), to be paid in full no later  
6 than thirty (30) days after entry of this Judgment. Costs are not awarded to Cheresch or Scripps.

7 3. In the event the costs are not paid as set forth in paragraph 2 above, the amount of costs  
8 shall increase to \$207,800.00, and Merck shall, in addition, be entitled to post-judgment interest on the  
9 increased amount of unpaid costs from the date of entry of this judgment until such costs are fully paid.

10 4. All prior orders taxing costs in favor of one or more of the Plaintiffs or in favor of one  
11 or more of the Defendants shall be vacated as inconsistent with this judgment.

12  
13 DATED: October 29, 2007.



Hon. Rudi M. Brewster  
UNITED STATES DISTRICT JUDGE

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